

PRO\_SE,CIVIL,CLOSED

**U.S. District Court  
Eastern District of California – Live System (Sacramento)  
CIVIL DOCKET FOR CASE #: 2:11-cv-02109-JAM-KJN**

(PS) Huene v. U.S. Department of the Treasury et al  
Assigned to: Judge John A. Mendez  
Referred to: Magistrate Judge Kendall J. Newman  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/08/2011  
Date Terminated: 10/10/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Donald R. Huene**

represented by **Donald R. Huene**  
7429 N. Valentine  
Fresno, CA 93711  
559-431-1639  
PRO SE

V.

**Defendant**

**U.S. Department of the Treasury**  
*Internal Revenue Service*

represented by **Anne E. Oliver**  
U.S. Department of Justice Tax Division  
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**ATTORNEY TO BE NOTICED**

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**ATTORNEY TO BE NOTICED**

**Defendant**

**Siu Chan**  
*Internal Revenue Service*

**Defendant**

**Anthony Shelley**  
*Internal Revenue Service*

**Defendant**

**Internal Revenue Service**

represented by **Anne E. Oliver**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
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06/08/2011	<u>1</u>	COMPLAINT against Siu Chan, Anthony Shelley, U.S. Department of the Treasury by Donald R. Huene.(Martin-Gill, S) (Entered: 06/09/2011)
06/08/2011	<u>2</u>	CIVIL COVER SHEET by Donald R. Huene (Martin-Gill, S) (Entered: 06/09/2011)
06/09/2011		RECEIPT number #CAE100015249 \$350.00 fbo Donald Huene by Donald Huene on 6/8/2011. (text entry only) (Martin-Gill, S) (Entered: 06/09/2011)
06/09/2011	<u>3</u>	SUMMONS ISSUED as to *Siu Chan, Anthony Shelley, U.S. Department of the Treasury* with answer to complaint due within *60* days. Attorney *Donald R. Huene* *7429 N. Valentine* *Fresno, CA 93711*. (Martin-Gill, S) (Entered: 06/09/2011)
06/09/2011	<u>4</u>	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 9/20/2011 at 09:30 AM in Courtroom 8 (SKO) before Magistrate Judge Sheila K. Oberto. (Attachments: # <u>1</u> Consent Form, # <u>2</u> Pro Se Informational Order) (Martin-Gill, S) (Entered: 06/09/2011)
06/09/2011		SERVICE BY MAIL: <u>4</u> Civil New Case Documents for AWI, <u>1</u> Complaint and <u>3</u> Summons served on Donald R. Huene. (Martin-Gill, S) (Entered: 06/09/2011)
07/13/2011	<u>5</u>	PROOF Of SERVICE Of Copy of Complaint For Declaratory Judgment by Donald R. Huene. (Fahrney, E) (Entered: 07/14/2011)
08/05/2011	<u>6</u>	DECLINE to PROCEED BEFORE US MAGISTRATE JUDGE by Donald R. Huene. (Martin-Gill, S) (Entered: 08/05/2011)
08/10/2011	<u>7</u>	ORDER TRANSFERRING CASE to SACRAMENTO Division signed by Chief Judge Anthony W. Ishii on 8/9/2011. (Sant Agata, S) (Entered: 08/10/2011)
08/10/2011	<u>8</u>	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 12/29/2011 at 10:00 AM in Courtroom 25 (KJN) before Magistrate Judge Kendall J. Newman. (Attachments: # <u>1</u> Consent Form) (Sant Agata, S) (Entered: 08/10/2011)
08/10/2011		SERVICE BY MAIL: <u>8</u> Civil New Case Documents for JAM, <u>7</u> Order served on Donald R. Huene. (Sant Agata, S) (Entered: 08/10/2011)
12/22/2011	<u>9</u>	MOTION for 60-DAY EXTENSION of TIME to extend deadlines set forth in Court's Order Setting Status Conference by Internal Revenue Service. Attorney Blaess, Anne E. added. (Attachments: # <u>1</u> Proposed Order) (Blaess, Anne) Modified on 12/23/2011 (Marciel, M). (Entered: 12/22/2011)
12/22/2011	<u>10</u>	ORDER signed by Magistrate Judge Kendall J. Newman on 12/22/11 GRANTING <u>9</u> Motion for Extension. The Status (Pretrial Scheduling) Conference is RESET for 3/1/2012 at 10:00 AM in Courtroom 25 (KJN) before Magistrate Judge Kendall J. Newman. Status Reports or a joint status report (if possible) due by 2/23/2012. (Donati, J) (Entered: 12/22/2011)
12/22/2011		SERVICE BY MAIL: <u>10</u> Order served on Donald R. Huene. (Donati, J) (Entered: 12/22/2011)
02/21/2012	<u>11</u>	Joint Case Scheduling STATEMENT by Plaintiff Donald R. Huene. (Sant Agata, S) (Entered: 02/21/2012)
02/24/2012	<u>12</u>	ANSWER to <u>1</u> Complaint by Internal Revenue Service.(Blaess, Anne) (Entered: 02/24/2012)
03/01/2012	<u>13</u>	MINUTES for STATUS CONFERENCE proceedings held before Magistrate Judge Kendall J. Newman on 3/1/2012: Court and counsel conferred re scheduling of the case. Scheduling order to issue. Plaintiffs Counsel Donald Huene telephonically present. Defendants Counsel Anne Blaess telephonically present. ECRO/CD Number: 1 of 1. (Text Only) (Caspar, M) (Entered: 03/01/2012)
03/01/2012	<u>14</u>	STATUS REPORT by Internal Revenue Service. (Blaess, Anne) (Entered: 03/01/2012)
03/05/2012	<u>15</u>	ORDER signed by Magistrate Judge Kendall J. Newman on 3/2/2012. Within 7 days of date of this Order, parties shall file Stipulation to Dismiss defendants Siu

		Chan and Anthony Shelley from action. Within 10 days of date of Order, IRS shall deliver to plaintiff documents it believes are responsive to FOIA request. Within 7 days of such delivery, IRS shall file written notice with Court confirming timely deliver. Within 45 days of this Order, parties shall file Joint Status Report. Any failure to communicate with plaintiff on part of IRS or Ms. Blaess may result in imposition of sanctions against IRS, Ms. Blaess, or both. (Marciel, M) (Entered: 03/05/2012)
03/05/2012		SERVICE BY MAIL: <u>15</u> Order regarding IRS provision of FOIA documents served on plaintiff Donald R. Huene. (Marciel, M) (Entered: 03/05/2012)
03/08/2012	<u>16</u>	STIPULATION of DISMISSAL <i>as to Defendants Siu Chan and Anthony Shelly</i> by Internal Revenue Service. (Blaess, Anne) (Entered: 03/08/2012)
03/21/2012	<u>17</u>	STATUS REPORT by Internal Revenue Service. (Blaess, Anne) (Entered: 03/21/2012)
04/02/2012	<u>18</u>	Joint Case SCHEDULING Statement by Donald R. Huene. (Sant Agata, S) (Entered: 04/03/2012)
04/06/2012	<u>19</u>	STATUS REPORT by U.S. Department of the Treasury. Attorney Blaess, Anne E. added. (Blaess, Anne) (Entered: 04/06/2012)
04/06/2012	<u>20</u>	MOTION to STAY Discovery by U.S. Department of the Treasury. (Blaess, Anne) Modified on 4/9/2012 (Reader, L). (Entered: 04/06/2012)
04/06/2012	<u>21</u>	MEMORANDUM by U.S. Department of the Treasury in SUPPORT of <u>20</u> MOTION to STAY. (Attachments: # <u>1</u> Proposed Order)(Blaess, Anne) (Entered: 04/06/2012)
04/06/2012	<u>22</u>	NOTICE OF HEARING by Internal Revenue Service re <u>20</u> MOTION to STAY. (Blaess, Anne) (Entered: 04/06/2012)
05/14/2012	<u>23</u>	ORDER signed by Magistrate Judge Kendall J. Newman on 5/11/12 ORDERING that Defendant Internal Revenue Service's motion to stay discovery is submitted without a hearing, and the 5/17/2012 hearing on that motion is VACATED. The IRS's <u>20</u> motion to stay discovery is granted, and discovery in this case is stayed pending resolution of the IRS's forthcoming motion for summary judgment. No later than 5/31/2012, the IRS shall file and serve a motion for summary judgment, plaintiff shall file an opposition on or before 6/28/2012, and the IRS may file a reply brief on or before 7/5/2012. The Court shall hear the IRS's motion for summary judgment on 7/19/2012, at 10:00 a.m., in Courtroom 25. (Kastilahn, A) (Entered: 05/14/2012)
05/14/2012		SERVICE BY MAIL: <u>23</u> Order served on Donald R. Huene. (Kastilahn, A) (Entered: 05/14/2012)
05/25/2012	<u>24</u>	MOTION for 28-DAY EXTENSION OF TIME to File Motion for Summary Judgment re <u>23</u> Order on Motion to Stay by Internal Revenue Service. (Attachments: # <u>1</u> Proposed Order)(Blaess, Anne) Modified on 5/30/2012 (Matson, R). (Entered: 05/25/2012)
05/29/2012	<u>25</u>	MOTION for 30-DAY EXTENSION OF TIME to File and Oppose Summary Judgment by U.S. Department of the Treasury. Attorney Jennings, Guy Patrick added. (Jennings, Guy) (Entered: 05/29/2012)
05/30/2012	<u>26</u>	PROPOSED ORDER re Extension of Time re <u>25</u> MOTION for 30-DAY EXTENSION OF TIME to File and Oppose Summary Judgment. (Attachments: # <u>1</u> Proof of Service)(Jennings, Guy) (Entered: 05/30/2012)
06/01/2012	<u>27</u>	ORDER signed by Magistrate Judge Kendall J. Newman on 05/30/12 ORDERING that defendant IRS's unopposed, <u>25</u> ex parte motion to modify the briefing schedule governing its forthcoming motion for summary judgment is GRANTED in part. No later than 06/28/12, the IRS shall file and serve on plaintiff its motion for summary judgment; no later than 07/26/12, plaintiff shall file a written opposition to the motion for summary judgment. The IRS may file a reply brief by 08/02/12; the Court shall hear the IRS's Motion for Summary Judgment on 08/23/12 at 10:00 a.m., in Courtroom 25. The IRS's <u>24</u> ex parte motion to modify the briefing

		schedule is DENIED as moot. (Benson, A.) (Entered: 06/01/2012)
06/01/2012		SERVICE BY MAIL: <u>27</u> Order served on Donald R. Huene. (Benson, A.) (Entered: 06/01/2012)
06/28/2012	<u>28</u>	MOTION for SUMMARY JUDGMENT by Internal Revenue Service. Motion Hearing set for 8/23/2012 at 10:00 AM in Courtroom 25 (KJN) before Magistrate Judge Kendall J. Newman. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Proposed Order)(Oliver, Anne) (Entered: 06/28/2012)
06/28/2012	<u>29</u>	MEMORANDUM by Internal Revenue Service in SUPPORT of <u>28</u> MOTION for SUMMARY JUDGMENT. (Attachments: # <u>1</u> Declaration of Glendsey Tucker, # <u>2</u> Declaration of Emily Lesniak, # <u>3</u> Declaration of Barbara Pettoni)(Oliver, Anne) (Entered: 06/28/2012)
07/24/2012	<u>30</u>	OPPOSITION by Donald R. Huene to <u>28</u> MOTION for SUMMARY JUDGMENT. (Gonzalez, R) (Entered: 07/24/2012)
07/26/2012	<u>31</u>	OPPOSITION to <u>28</u> MOTION for SUMMARY JUDGMENT by Donald R. Huene. (Manzer, C) (Entered: 07/27/2012)
08/02/2012	<u>32</u>	REPLY by Internal Revenue Service re <u>30</u> Opposition to Motion. (Oliver, Anne) (Entered: 08/02/2012)
08/16/2012	<u>33</u>	REQUEST for telephonic appearance at the Motion Hearing as to <u>28</u> Motion for Summary Judgment set for 8/23/2012 at 10:00 AM by Internal Revenue Service. (Attachments: # <u>1</u> Proposed Order) (Oliver, Anne) Modified on 8/17/2012 (Michel, G). (Entered: 08/16/2012)
08/20/2012	<u>34</u>	ORDER signed by Magistrate Judge Kendall J. Newman on 8/20/2012 granting Internal Revenue Service's <u>33</u> Motion for Telephonic Appearance at Hearing schedule on 8/23/2012 at 10:00 AM. (Marciel, M) (Entered: 08/20/2012)
08/20/2012		SERVICE BY MAIL: <u>34</u> Order granting Motion for Telephonic Appearance served on plaintiff Donald R. Huene. (Marciel, M) (Entered: 08/20/2012)
08/23/2012	35	MINUTES for MOTION HEARING proceedings held before Magistrate Judge Kendall J. Newman on 8/23/2012: Court and defendants' counsel conferred re defendant's motion for summary judgment <u>28</u> . No appearance by plaintiff. Matter submitted. Order to issue. Defendants Counsel Anne Oliver telephonically present. ECRO/CD Number: 1 of 1. (Text Only) (Caspar, M) (Entered: 08/23/2012)
08/24/2012	<u>36</u>	FINDINGS and RECOMMENDATIONS signed by Magistrate Judge Kendall J. Newman on 8/23/12 recommending that <u>28</u> MOTION for SUMMARY JUDGMENT filed by Internal Revenue Service be granted; Judgment be entered in defendant Internal Revenue Services's favor; and the Clerk be directed to close this case and vacate all dates. These findings and recommendations are submitted to the United States District Judge assigned to the case. Objections to FRdue by within 14 days. (Matson, R) (Entered: 08/24/2012)
08/24/2012		SERVICE BY MAIL: <u>36</u> Findings and Recommendations, served on Donald R. Huene. (Matson, R) (Entered: 08/24/2012)
09/04/2012	<u>37</u>	MOTION for Partial RECONSIDERATION re <u>36</u> Findings and Recommendations by Donald R. Huene. (Gonzalez, R) (Entered: 09/05/2012)
09/06/2012	<u>38</u>	ORDER denying <u>37</u> Motion for Reconsideration signed by Magistrate Judge Kendall J. Newman on 9/6/12. (Kaminski, H) (Entered: 09/07/2012)
09/07/2012		SERVICE BY MAIL: <u>38</u> Order, served on Donald R. Huene. (Kaminski, H) (Entered: 09/07/2012)
10/10/2012	<u>39</u>	ORDER signed by Judge John A. Mendez on 10/10/2012 PROPOSED FINDINGS AND RECOMMENDATIONS <u>36</u> are ADOPTED; GRANTING <u>28</u> Defendants Motion for Summary Judgment; Judgment shall be ENTERED in defendant Internal Revenue Service's favor; and the Clerk of Court shall vacate all dates and close this file. CASE CLOSED (Reader, L) (Entered: 10/10/2012)

10/10/2012	<u>40</u>	JUDGMENT dated *10/10/2012* in favor of Internal Revenue Service against Donald R. Huene pursuant to order, signed by Judge John A. Mendez on 10/10/2012. (Reader, L) (Entered: 10/10/2012)
10/10/2012		SERVICE BY MAIL: <u>39</u> Order on Motion for Summary Judgment, <u>40</u> Judgment served on Donald R. Huene. (Reader, L) (Entered: 10/10/2012)